

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND C. WALEN, JR.,

Plaintiff,

v.

EMBARQ, *et al.*,

Defendants.

Case No. 06-14201

Honorable John Corbett O'Meara

ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

This matter came before the court on plaintiff Raymond C. Walen, Jr.'s motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. The purpose of Rule 59(e) is to correct errors of law and fact in a judgment and is mirrored by this court's local rule regarding motions for reconsideration.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Local Rule 7.1(g)(3).

In his motion, plaintiff Walen admittedly relies on the same arguments and exhibits he filed in his response to Defendants Burton and Denman's motion for summary judgment and defendant Embarq's motion for summary judgment. Accordingly, the court will deny Plaintiff's motion to alter or amend the judgment in this action.

ORDER

It is hereby **ORDERED** that Plaintiffs' motion to alter or amend judgment is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: April 12, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 12, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager